

Comments re. RM-10521
August 27, 2002

These comments are submitted in opposition to the petition of Dr. Michael Trahos (petitioner), denominated RM-10521 by the Commission, which seeks a rule change to permit non-resident aliens to operate PMR-446 radios without a license in a portion of the 70 cm amateur radio band (specifically, 446.00 - 446.10 MHz) wherein a license to operate is ordinarily required by the United States.

Petitioner writes that while at Disney World, Orlando, FL in August, 2001, he monitored "extensive transmissions" on the 70 cm band which he concluded came from PMR-446 radios "clearly operated by foreign nationals from the UK and France, operating in violation of the Commission's ARS rules and regulations." (Petition, p 6) He also writes that in March 1998, during a visit to Britain, he became aware that "numerous United States citizens were operating their FRS radios, in violation of British radio regulations." (ibid)

First, whether another country chooses or is simply unable to enforce a portion of its radio licensing laws should carry no weight in this proceeding. Further, that in March of 1998, "numerous United States citizens" were allegedly violating the laws of Britain while in that country seems to me a strange rationale for changing similar laws in this country. Put in the context of another of petitioner's fields of expertise, were he to have observed "numerous" United States citizens in Britain during March 1998 performing medical procedures without the requisite British medical license, would he be petitioning another entity to allow non-resident aliens to perform similar medical procedures in this country without benefit of a medical license?

Second, the failure by the FCC to enforce its regulations in one location during during one relatively brief period of time (i.e. sometime in August 2001) is insufficient reason to seek the elimination of the requirement of a license to operate on the subject frequencies throughout the entire United States. The frequencies utilized by PMR-446 radios are in use across the United States by the amateur radio service on a daily basis. To open a small part of those frequencies to unlicensed operators, even on a "secondary basis" (see, Petition, p 2), would in the long run render them useless to amateur operators. Indeed, to ask that unlicensed useage be granted "on a secondary basis" is naive. Is a tourist with a PMR-446 radio going to listen before transmitting, or turn over the frequency to a primary user who breaks in? Of course not. Further, the proliferation of such radios, should this petition be granted, would doubtless spread beyond the European tourist destinations cited by petitioner.

At the heart of my objection to this petition is the fact that were it to be adopted, there would be created two classes of operators within a portion of this country's amateur radio 70 cm band: one class would be comprised of licensed domestic operators, while the second class, to use petitioner's own language would be license-exempt "visiting/transient/tourist non-amateur non-US resident foreign nationals" operating on a "secondary basis to primary ARS operations." (Petition, p 2)

How would the Commission differentiate between these two classes? Would mere possession of PMR-446 radio impute unlicensed status? Would one have to show some form of proof that one was a non-resident alien and thus entitled to operate such a radio without a license? If, as petitioner claims, regulations against unlicensed operation from 446.0 to 446.1 MHz are currently not being enforced, who does he suppose is going to determine whether a user is entitled to operate without a license?

I respectfully ask the Commission to deny this petition in its entirety and thank the Commission for the opportunity to be heard.

Respectfully submitted,
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